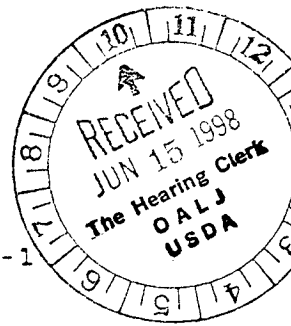


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UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE



In re: ) P. & S. Docket No. D-97-1  
)  
John Ed Morken d/b/a )  
Northwestern Cattle )  
Company, )  
)  
Respondent ) Decision

This proceeding was instituted under the Packers and Stockyards Act (7 U.S.C. § 181 et seq.) by a complaint filed by the Acting Deputy Administrator, Packers and Stockyards Programs, Grain Inspection, Packers and Stockyards Administration (GIPSA), United States Department of Agriculture, alleging that the respondents wilfully violated the Act. This decision is entered pursuant to the consent decision provisions of the Rules of Practice applicable to this proceeding (7 C.F.R. § 1.138).

The respondent admits the jurisdictional allegations in paragraph I of the complaint and specifically admits that the Secretary has jurisdiction in this matter, neither admits nor denies the remaining allegations, waive oral hearing and further procedure, and consents and agrees, for the purpose of settling this proceeding and for such purpose only, to the entry of this decision.

The complainant agrees to the entry of this decision.

### Findings of Fact

1. John Ed Morken, doing business as Northwestern Cattle Company, hereinafter referred to as respondent Morken, is an individual whose business mailing address is 1246 Mill Creek Circle, St. Cloud, Minnesota 56303.

2. Respondent Morken is and at all times material herein was:

- (a) Engaged in the business of buying and selling livestock for his own account, and
- (b) Registered as an individual with the Secretary of Agriculture as a dealer to buy and sell livestock on his own account.

### Conclusions

The respondent having admitted the jurisdictional facts and the parties having agreed to the entry of this decision, such decision will be entered.

### Order

Respondent Morken, his officers, directors, agents, employees, successors and assigns, directly or through any corporate or other device, in connection with his operations subject to the Act shall cease and desist from:

1. Engaging in business subject to the Act while insolvent, i.e. while respondent Morken's current liabilities exceed his current assets;

2. Issuing checks in payment for livestock purchases without having and maintaining sufficient funds on deposit and available in the account upon which such checks are drawn to pay such checks when presented;

3. Failing to pay, when due, the full purchase price of livestock; and

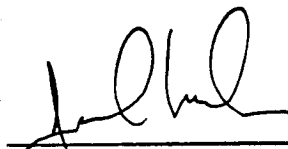
4. Failing to pay the full purchase price of livestock.

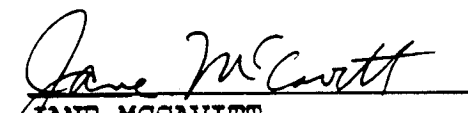
Respondent Morken is suspended as a registrant under the Act for a period of eight (8) years and thereafter until he demonstrates that he is solvent. Provided, however, that upon application to the Packers and Stockyards Programs, GIPSA, a supplemental order may be issued terminating this suspension at any time after the expiration of eight years upon demonstration of solvency by the respondent. It is provided further that this order may be modified upon application to the Packers and Stockyards Programs and a supplemental order may be issued terminating this suspension at any time after the expiration of two years upon demonstration by respondent that all unpaid livestock sellers have been paid in full and upon demonstration

of solvency. It is further provided that this order may be modified upon application to the Packers and Stockyards Programs, GIPSA, to permit respondent John Morken's salaried employment by another registrant or packer after the expiration of two years of the period of suspension upon demonstration of circumstances warranting modification of the order.

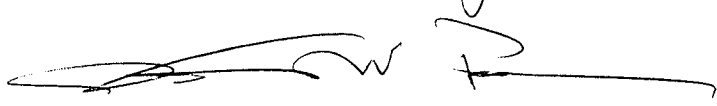
The provisions of this order shall become effective on the sixth day after service of this decision on the respondent.

Copies of this decision shall be served upon the parties.

  
\_\_\_\_\_  
JOHN ED MORKEN  
Respondent

  
\_\_\_\_\_  
JANE MCCAIVITT  
Attorney for Complainant

Issued this 15<sup>th</sup> day of June 1998

  
\_\_\_\_\_  
VICTOR W. PALMER  
Chief Administrative Law Judge